

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CLIFFORD JOEL ELLISON**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:08-cv-262-HSO-JMR**

**KEN BROADUS, *et al.***

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND  
GRANTING THE MOTION TO DISMISS OF DEFENDANTS ARAMARK,  
MILIKA RUSHING, AND PATRICIA POOLE**

This cause comes before the Court on the Report and Recommendations [40-1] of Chief United States Magistrate Judge John M. Roper, entered in this cause on March 5, 2009. Magistrate Judge Roper reviewed the Motion to Dismiss [33-1] filed on January 16, 2009, by Defendants Aramark, Milika Rushing, and Patrice Poole [“Moving Defendants”], and determined that it should be granted because there is no indication in the record that any Moving Defendant is a state actor who can be held liable pursuant to 42 U.S.C. § 1983, and because the Moving Defendants’ alleged conduct concerning the operation of the commissary at the Jackson County Adult Detention Center did not violate any cognizable right. *See* Report and Recommendations, at pp. 5-6; *see also* 42 U.S.C. § 1983. Plaintiff did not respond to the Motion or file an objection to the Report and Recommendations. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendations should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendations [40-1] of Chief United States Magistrate Judge John M. Roper, entered in this cause on March 5, 2009, should be, and the same hereby is, adopted

as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the Motion to Dismiss [33-1] filed on January 16, 2009, by Defendants Aramark, Milika Rushing, and Patrice Poole, should be and hereby is **GRANTED**, and the claims against Defendants Aramark, Milika Rushing, and Patrice Poole are hereby **DISMISSED WITH PREJUDICE**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the Motion for Judgment on the Pleadings [34-1] filed on January 20, 2009, by Defendants Aramark, Milika Rushing, and Patrice Poole, should be and hereby is **DENIED AS MOOT**.

**SO ORDERED AND ADJUDGED**, this the 26<sup>th</sup> day of March, 2009.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE